

AMENDED IN SENATE MAY 28, 2009

SENATE BILL

No. 38

Introduced by Senators Alquist and ~~Correa~~, *Correa, and Oropeza*
(Principal coauthor: Assembly Member John A. Perez)

December 22, 2008

An act to add Section 8594.5 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 38, as amended, Alquist. ~~Emergency Services: Silver Alert System.~~ *services: seniors.*

Existing law authorizes use of the federally designated emergency alert system *Emergency Alert System* to inform the public of local, state, and national emergencies.

~~This bill would require law enforcement agencies that are informed of a missing senior person, who is 65 years of age or older, and that determine the missing person has an impaired mental condition and there is information available that, if disseminated to the general public, could assist with the safe recovery of the missing person, to request, absent extenuating investigative needs, activation of the emergency alert system within the appropriate local area. By imposing new duties on local law enforcement agencies, the bill would create a state-mandated local program.~~

The

This bill would require, on or before January 1, 2011, the Department of the California Highway Patrol, in consultation with the Department of Justice and representatives from other organizations, the California Emergency Management Agency, the California State Emergency Communications Committee, the California Broadcasters Association,

the California Peace Officers' Association, the California Police Chiefs Association, and the California State Sheriffs' Association, to develop policies and procedures providing instruction specifying how to law enforcement agencies, broadcasters participating in the emergency alert system, and any other intermediate emergency services agencies that may institute activation of the system and, where appropriate, other supplemental warning systems shall proceed after a law enforcement agency receives a qualifying report of a missing senior person other intermediate emergency agencies, participating radio and television broadcasters, and other media outlets on the implementation of a missing senior person alert. The bill would require the Department of the California Highway Patrol to incorporate appropriate alert measures in developing these policies and procedures.

The bill would also require a law enforcement agency, if that agency receives a report of a missing senior person, and if the agency determines that the senior person has an impaired mental condition and that there is information available that, if disseminated locally to the general public, could assist in the safe recovery of the senior person, to immediately implement, absent extenuating investigative needs, the policies and procedures developed by the Department of the California Highway Patrol for the implementation of a missing senior person alert to the maximum extent feasible. The bill would require the law enforcement agency, if the department has not yet developed those policies and procedures, to immediately undertake specified or other appropriate alert measures to locally disseminate the information that could assist in the safe recovery of the missing senior person. By imposing additional duties on local law enforcement agencies, the bill would create a state-mandated local program.

The bill would authorize a law enforcement agency, if the agency determines that the senior person may be in a vehicle or has been missing for over 24 hours, to request that the Department of the California Highway Patrol activate the Emergency Alert System within the appropriate local or regional area to disseminate the information that could assist in the safe recovery of the senior person. The bill would also authorize the department to activate the Emergency Alert System if it determines that activation is appropriate based on the available information about the missing senior person.

The bill would require the law enforcement agency that initiates the missing senior person alert to inform the general public within the appropriate local or regional area of the termination of the missing

senior person alert upon the location of the missing senior person. By imposing an additional duty on local law enforcement agencies, the bill would create a state-mandated local program.

The bill would provide that the above provisions become operative upon the state's receipt of federal funding for the purpose of implementing a missing senior person alert system, as certified to by the Department of the Highway Patrol.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that local law
2 enforcement agencies continue to employ appropriate alert
3 measures and other best practices to investigate and locate missing
4 senior persons until the state receives federal funding for the
5 purpose of implementing a missing senior person alert system.

6 ~~SECTION 1.~~

7 SEC. 2. Section 8594.5 is added to the Government Code, to
8 read:

9 8594.5. (a) ~~If a senior person is reported missing to a law~~
10 ~~enforcement agency, and the agency determines that the person~~
11 ~~has an impaired mental condition and there is information available~~
12 ~~that, if disseminated to the general public, could assist in the safe~~
13 ~~recovery of the missing person, the agency, through a person~~
14 ~~authorized to activate the emergency alert system (47 C.F.R. 11.11~~
15 ~~et. seq.), shall, absent extenuating investigative needs, request~~
16 ~~activation of system within the appropriate local area. Law~~
17 ~~enforcement agencies shall only request activation of the~~
18 ~~emergency alert system for a missing senior person if these~~
19 ~~requirements are met.~~

20 The Department of the California Highway Patrol, if requested
21 by a law enforcement agency, shall activate the system.

~~(b) The Department of the California Highway Patrol, in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the emergency alert system, and any other intermediate emergency agencies that may institute activation of the system, and, where appropriate, other supplemental warning systems, shall proceed after a law enforcement agency receives a qualifying report of a missing senior person. Those policies and procedures shall include, but not be limited to, the following:~~

~~(1) Procedures for transfer of information regarding the missing senior person from the law enforcement agency to the broadcasters.~~

~~(2) Specification of the event code or codes that should be used if the emergency alert system is activated to report a missing senior person.~~

~~(3) Recommended language for a missing senior person alert.~~

~~(4) Specification of information that must be included by the reporting law enforcement agency, including which agency a person with information relating to the missing senior person should contact and how that person should contact the agency.~~

~~(5) Recommendations on the extent of the geographical area to which a missing senior person alert should be broadcast.~~

~~(c) The Department of the California Highway Patrol, in consultation with the Department of Justice, shall review the "Silver Alert Plan" as adopted by other states for guidance in developing appropriate policies and procedures for use of the emergency alert system and, where appropriate, other supplemental warning systems to report a missing senior person. On or before January 1, 2011, the Department of the California Highway Patrol, in consultation with the Department of Justice, the California Emergency Management Agency, the California State Emergency Communications Committee, the California Broadcasters Association, the California Peace Officers' Association, the California Police Chiefs Association, and the California State Sheriffs' Association, shall develop policies and procedures providing instruction to law enforcement agencies, other intermediate emergency agencies, participating radio and television broadcasters, and other media outlets on the~~

1 *implementation of a missing senior person alert. In developing*
 2 *these policies and procedures, the Department of the California*
 3 *Highway Patrol shall incorporate the use of appropriate alert*
 4 *measures.*

5 *(b) If a law enforcement agency receives a report of a missing*
 6 *senior person, and the agency determines that the senior person*
 7 *has an impaired mental condition and there is information*
 8 *available that, if disseminated locally to the general public, could*
 9 *assist in the safe recovery of the senior person, the agency shall,*
 10 *absent extenuating investigative needs, immediately implement*
 11 *the policies and procedures for the implementation of a missing*
 12 *senior person alert developed pursuant to subdivision (a) to the*
 13 *maximum extent feasible. If the Department of the California*
 14 *Highway Patrol has not yet developed those policies and*
 15 *procedures, the agency shall immediately undertake appropriate*
 16 *alert measures to locally disseminate the information that could*
 17 *assist in the safe recovery of the missing senior person. Appropriate*
 18 *alert measures include, but are not limited to, all of the following:*

- 19 *(1) Neighborhood canvassing and lighting of local digital signs.*
- 20 *(2) Emergency digital information service (EDIS).*
- 21 *(3) Critical reach software.*
- 22 *(4) Locally focused, cell phone text message alerts.*
- 23 *(5) Collaboration with local 211 telephone system service*
24 *providers.*

25 *(6) Reverse 911 interactive community notification system or*
 26 *other similar system.*

27 *(c) If the law enforcement agency determines that the senior*
 28 *person has been missing for over 24 hours or is likely to be in a*
 29 *vehicle, the agency may request that the Department of the*
 30 *California Highway Patrol activate the Emergency Alert System*
 31 *within the appropriate local or regional area to disseminate the*
 32 *information that could assist in the safe recovery of the senior*
 33 *person. The department may activate the Emergency Alert System*
 34 *if it determines that activation is appropriate based on the available*
 35 *information about the missing senior person.*

36 *(d) The law enforcement agency that initiates the missing senior*
 37 *person alert shall inform the general public within the appropriate*
 38 *local or regional area of the termination of the missing senior*
 39 *person alert upon the location of the missing senior person.*

40 *(d)*

1 (e) For the purpose of this section, “senior person” means any
2 person who is 65 years of age or older.

3 ~~(e) State and local agencies shall use existing state funds or~~
4 ~~federal resources in carrying out this section.~~

5 (f) *This section shall become operative upon the state’s receipt*
6 *of federal funding for the purpose of implementing a missing senior*
7 *person alert system, as certified to by the Department of the*
8 *Highway Patrol.*

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.